

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY
57 REGIONAL DRIVE
CONCORD, NH 03301

MINUTES

MAY 13, 2009
9:00 A.M.

I. ROLL CALL - AGENDA REVIEW – ANNOUNCEMENTS

In attendance were the following Commissioners

<i>George Bowersox</i>	<i>Sandra Keans</i>
<i>Ron Petrin</i>	<i>Vahrij Manoukian</i>
<i>Tina Genovese</i>	

Jay Queenan Executive Director
Margaret Clifford Chief Compliance officer

Commissioner Manoukian led the Pledge of Allegiance

Agenda adjustments were read

Changes to the Original Agenda

*Please note that the Agenda Book is backwards (starts in the rear) for the NON-PUBLIC
Next Board meeting is June 17, 2009 @ MCPHS Manchester NH*

PUBLIC AGENDA

- *NABP –Miami (add as an agenda item)*
- *Automated Dispensing Systems in Long Term Care Facilities (handout)*
- *Pharmacy Letter*
- *Legislative Update is a handout*
- *Communication letters move from NON-Public to Public*
- *Telepharmacy (by President Bowersox)*

II. REVIEW OF ACTION ITEMS

- **Legislative Update**

House Bill 80

*Add a new Board member to the Pharmacy board that is a Hospital pharmacist. Board will consist of
7 members 6 pharmacists and 1 public member*

House *Concurred*

Senate *Passed*

Governor *needs to sign (Effective 60 days after being signed)*

House Bill 172

Allowing naturopathic physicians the right to dispense prescription drugs within their scope of their practice

House Passed

Senate Ought to pass (vote 5/13/09)

House Bill 378

Relative to fee for Methadone detoxification and maintenance programs

House Passed

Senate Ought to pass (vote 5/13/09)

House Bill 607

Relative pharmaceutical waste

House Retained in committee

House Bill 648

Medical use of Marijuana

House Non-concurred request conference Committee

Senate Passed / Adopted amendments

Senate Bill 90

Establishes a private right for pharmacies injured by managed care organizations violations of preferred provider requirements.

House House Judiciary committee is considering retaining the bill

Senate Passed

- **Central Prescription Processing – Chapter Ph 1200.** Need Board approval to adopt

A motion to pass Central Processing Ph 1200 was made by commissioner Manoukian and seconded by commissioner Genovese and passed 5-0 and regulation to JLCAR.

- **Rules development for Pharmacist Administration of Influenza Vaccines**
Review the changes approved by the Board at the April 15, 2009. Letters to submit upon approval of application of immunization authorization need to be reviewed / approved

A motion to pass the changes made to Ph 1300 was made by commissioner Manoukian and seconded by commissioner Genovese. This motion passed 5-0 to send regulation to JLCAR.

CHAPTER Ph 1300 PHARMACIST ADMINISTRATION OF INFLUENZA VACCINES

PART Ph 1301 PURPOSE AND SCOPE

Ph 1301.01 Purpose. *The purpose of this chapter is to implement and regulate pharmacist administration of influenza vaccines as a means to make vaccinations more easily accessible and therefore providing immunity to a larger patient population.*

Ph 1301.02 Scope. *These rules shall regulate pharmacist administration of influenza*

vaccines only in the following institutions where the practice of pharmacy is permitted.

- (a) Hospitals;*
- (b) Long-term care facilities;*
- (c) Ambulatory care clinics;*
- (d) Retail pharmacies; or*
- (e) A board approved setting not included in the above named locations.*

PART Ph 1302 DEFINITIONS

Ph 1302.01 “Administer” means “administer” as defined in RSA 318:1, I, namely, “an act whereby a single dose of a drug is instilled into the body of, applied to the body of, or otherwise given to a person or animal for immediate consumption or use.”

Ph 1302.02 “Licensed pharmacist” or “pharmacist” means “licensed pharmacist” or “pharmacist” as defined in RSA 318:1, VII, namely, “when not otherwise limited, means a person holding a license under RSA 318:18 and who is, therefore legally authorized to practice the profession of pharmacy in this state.”

Ph 1302.03 “Practitioner” or “licensed practitioner” means “practitioner” or “licensed practitioner” as defined in RSA 318:1, XV, namely, “means any person who is lawfully entitled to prescribe, administer, dispense, or distribute legend drugs to patients.”

PART Ph 1303 PHARMACIST ADMINISTRATION OF INFLUENZA VACCINES QUALIFICATIONS AND APPLICATION

Ph 1303.01 Qualifications.

(a) A pharmacist who seeks to engage in the administration of influenza vaccines shall meet the requirements of:

- (1) RSA 318:16-b, I, relative to education or experience;*
- (2) RSA 318:16-b, II, relative to professional liability insurance coverage; and*
- (3) RSA 318:16-b, III, relative to completion of continuing education.*

(b) A pharmacist who seeks to engage in the administration of influenza vaccines shall hold current basic or higher certification in cardiopulmonary resuscitation (CPR) from the American Heart Association, the American Red Cross, or from another organization or entity that is nationally-recognized as an issuer of such certifications.

(c) A pharmacist may not delegate the administration of influenza vaccines to any person.

Ph 1303.02 Application.

(a) A pharmacist who seeks to engage in the administration of influenza vaccines shall provide the following on a “Pharmacist Administration of Influenza Vaccines Application” as specified in RSA 318:16-b, IV:

- (1) The pharmacist's name and license number;*
- (2) The pharmacist's business and home address;*
- (3) A copy of the current certificate of insurance from the pharmacist's professional liability carrier indicating that the pharmacist maintains insurance coverage that complies with RSA 318:16-b, II;*
- (4) A copy of the certificate of continuing education completion as required by RSA 318:16-b, III;*
- (5) A copy of the current CPR certification;*
- (6) An indication that the information provided on or with the application is true, correct, and complete to the best of the pharmacist's knowledge and belief; and*
- (7) The signature of the pharmacist and the date signed.*

(b) After receipt of a "Pharmacist Administration of Influenza Vaccines Application" the board's staff shall review it for any apparent errors or omissions and inform the applicant in writing if any are found. If informed of errors or omissions, the pharmacist shall correct the error or provide the missing application materials within 30 days of such notification being sent.

(c) After receipt of a satisfactory "Pharmacist Administration of Influenza Vaccines Application" the pharmacist shall receive an authorization letter from the board.

PART Ph 1304 PHARMACIST ADMINISTRATION OF INFLUENZA VACCINES PROCEDURAL REQUIREMENTS

(a) A pharmacist who seeks to engage in the administration of influenza vaccines shall comply with the following procedures:

- (1) Administer pursuant to a standing order from a practitioner practicing within their scope of practice;*
- (2) Provide the patient with a Vaccine Information Sheet (VIS) as provided by the Centers for Disease Control (CDC);*
- (3) Ensure that the patient has received and signed the Patient Consent Form and has been counseled and their questions answered prior to administration of the vaccine;*
- (4) Maintain and follow written policies and procedures for establishing a course of action the pharmacist shall follow to address adverse reactions, anaphylactic reactions, accidental needle sticks, and handling/disposal of used or contaminated equipment and supplies;*
- (5) Report all adverse events to the Vaccine Adverse Events Reporting System (VAERS) and to the practitioner that prescribed the vaccine; and*
- (6) Provide the patient with documentation of the vaccination and when appropriate report it to the immunization section of the Department of Health and Human Services to be added to the Vaccination Registry.*

PART Ph 1305 RECORDKEEPING

(a) *A pharmacist who seeks to engage in the administration of influenza vaccines shall keep the following records for a minimum of 2 years:*

(1) Patient Consent Form that shall include:

- i. Name and date of birth of the patient;*
- ii. Manufacturer, lot number, and expiration date of the vaccine;*
- iii. Description of the risks and possible side effects of the vaccine;*
- iv. Date of administration;*
- v. Administering pharmacist's name;*
- vi. Signature of the patient.*

A motion to accept the approval letter # 1 was made by commissioner Manoukian and seconded by commissioner Genovese. This motion passed 5-0

Dear PHARMACIST,

Thank you for your recent application to administer influenza vaccines. Your application has been reviewed and approved.

The board hereby grants PHARMACIST authorization to administer influenza vaccines in the location(s) stated on your application and covered by your professional liability insurance. This is an ongoing authorization pending all requirements set forth in Ph 1300 are fulfilled.

In addition, the board must be notified within 15 days of any change in information stated on the "Pharmacist Administration of Influenza Vaccines".

*Thank you,
NH BOP*

- **Board of Pharmacy Policies & Procedures Development** –Board voted to discuss after final audit report for the LBA.

No action taken

- **Automated Dispensing Systems in Long Term Care Facilities** –research report by intern Alex Pelkey to be presented at Board meeting.

Board recommended starting a committee of interested parties and drawing up preliminary legislation and reporting back to the board for the next meeting.

- **General review of all BOP rules for updating** – Rulemaking – To be scheduled upon direction from the Board.

No action taken

- **Telepharmacy-**

No discussion to be added to the June 17 agenda

III. REVIEW/ADOPTION OF MINUTES

- April 15, 2009 – Regular Meeting

A motion to accept the public minutes was made by Commissioner Manoukian and seconded by Commissioner Genovese and passed 5-0

- April 15, 2009 – Non-Public Session according to RSA 91-A.

A motion to accept and seal the non-public minutes was made by Commissioner Manoukian and seconded by Commissioner Genovese and passed 5-0

IV. LICENSING

A. **New Pharmacy**

Wal-Mart 10-1698

3 Commerce Drive

Hooksett, N.H. 03106

Pharmacist-In-Charge **Angela Folsom RPh.**

New Hampshire Pharmacist License 3233

Owner/ Corporate Representative **Scott Morrison**

A motion was made by Commissioner Petrin to table the new pharmacy application for Wal-Mart in Hooksett and seconded by Commissioner Manoukian and passed 5-0.

B. **Pharmacist Re-Instatement Request (10:00 AM)**

a. **William Meditz**

Middle Village N.Y.

A motion was made by Commissioner Manoukian and seconded by Commissioner Petrin to allow Mr. Meditz to re-instate his license providing he

- *pass the MPJE ,*
- *pay all his past pharmacy registration fees*
- *and earn 15 total CE (5 live) from May 13, 2009 to December 31, 2009 for license renewal in 2010.*

Motion passed 5-0

C. **Pharmacy Technicians**

Voluntary Surrender

Nichols, Doreen

Woodville, NH

- NH Pharmacy Technician Registration No. PT 5870
- Case File ROI 147/09

A motion to accept the voluntary surrender of Doreen Nichols was made by Commissioner Ron Petrin and seconded by Commissioner Vahrij Manoukian. The motion passed 5-0

D. **Application for License Transfer through Reciprocity**

Sanborn, Richard RPh.

- Kittery ME.
- Maine PR 3177

Review File Maine Consent Agreements 1982 & 1996

Results will be published once applicant receives official notice from Board.

E. Pharmacy Renewal Application Questions

- 2009 NH Renewal form questions
- NABP Reciprocity application question

Motion to change the renewal application legal questions was proposed by Commissioner Vahrij Manoukian and seconded by Commissioner Ron Petrin. The motion passed 5-0

1. *Have you ever voluntarily surrendered your pharmacist license or any pharmacist registration issued by a federal or state controlled substance Authority?*
2. *Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?*
3. *Are you presently under investigation or is there any disciplinary action pending against you by any licensing jurisdiction, the federal Food and Drug Administration, the federal Drug Enforcement Administration, or any state drug enforcement authority for violation of any state or federal pharmacy, liquor, or drug laws?*
4. *Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?*

V. COMPLIANCE UNIT

A. Activity Report

- April 2009

Motion to accept the compliance report was made by Commissioner Vahrij Manoukian and seconded by Commissioner Tina Genovese. The motion passed 5-0

VI. CONTINUING EDUCATION

A. KASTAMA, Kathleen Wentworth NH

-NH Pharmacist License No. R 0981

Ms. Kastama has requested a waiver of the didactic requirements according to the provisions of Ph 403.08 of the NH Code of Administrative Rules. Waiver has been granted since 1982

A motion to waive the live CE requirement for Kathleen Kastama based on her communication via letter addressed to the board for 2010 pharmacy license renewal was made by Commissioner Ron Petrin and seconded by Commissioner Sandra Keans. The motion passed 4-1

B. ANNUAL CONTINUING EDUCATION AUDIT (CEAC)

- Summary
- Violators

A motion to send a settlement agreement to all first time offenders was made by Commissioner Vahrij Manoukian and seconded by Commissioner Sandra Keans and passed 5-0.

A motion to send a settlement agreement to both second time offenders was made by Commissioner Vahrij Manoukian and seconded by Commissioner Ron Petrin and passed 4-1 which included 1 year probation but their license is still active.

A motion was made for a hearing notice for Michael Mannix

- Review Penalty Chart

A motion was made by Commissioner Tina Genovese to accept the penalty chart and fine model that was used in previous years was seconded by Commissioner Vahrij Manoukian and passed 5-0

C. NEW PROGRAM APPROVAL REQUEST

Code Carts: What do the Pharmacists at Wentworth Douglas Hospital Need to Know

Karen Michaud

- Dover NH
- NH Pharmacist License No. 3454

A motion to communicate with Dr. Karen Michaud regarding re doing the application for a CE program regarding Crash Cart training was made by Commissioner Vahrij Manoukian and seconded by Commissioner Ron Petrin. The motion passed 5-0

The CEAC Committee would then be given an opportunity to review the revised program and approve disapprove retroactively to May 21. The results of the CEAC survey to shared @ the June BOP meeting.

VII. OLD BUSINESS

The board reviewed three template letters that are used to communicate with complainant, letter of concern and no further action. No motion was required.

VIII. NEW BUSINESS

Fifty Year Certificate

- 2009 List
- NH v All state

A motion to approve 50 year certificate to three pharmacists licensed in New Hampshire for 50 years was made by Commissioner Ron Petrin and seconded by Commissioner Vahrij Manoukian.

The motion passed 3-2

IX. FYI

A. PHARMACIST'S LETTER

May 2009

B. MEDICATION SAFETY ALERT

April 2009

C. FOSTERS DAILY DEMOCRAT

A motion was made to go into non-public session was made by Commissioner Vahrij Manoukian and seconded by Commissioner Petrin. Motion Passed 5-0

Discussions and / or decisions during the non-public (confidential) session is according to RSA 91-A:3,1 and RSA 91-A:3,II and involves information pursuant to ongoing investigations as reported by Board Compliance Investigator(s), the disclosure of which would likely adversely affect a persons reputation and / or would render the Board's proposed action ineffective.

IX. ADJOURNMENT

A non-public session may be called at the conclusion of the regular agenda.